

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CADY PLEWA,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security

Defendant.

CASE NO. 2:15-cv-00205-BHS-KLS

REPORT AND
RECOMMENDATION TO DENY
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS

Noted for March 6, 2015

This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local Rule MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a complaint to review and set aside a decision of the Social Security Administration under 42 U.S.C. § 405(g). Because plaintiff's application indicates she has sufficient income with which to pay the \$400.00 filing fee, the undersigned recommends that the Court deny the application.

DISCUSSION

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the Court has

1 broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314
2 F.2d 598 (9th Cir. 1963). By requesting the Court to proceed *in forma pauperis*, plaintiff is
3 asking the government to incur the filing fee because she allegedly is unable to afford the costs
4 necessary to proceed with her cause of action.

5 In her application, plaintiff states she currently is employed with a net monthly income of
6 \$1,000.00. *See* Dkt. 1, p. 1. Plaintiff also states that during the past 12 months, she has received
7 \$12,500.00 and \$6,366.00 respectively from the following two sources: business, profession or
8 other self-employment and income from rent, interest or dividends. *See id.* In addition, plaintiff
9 states she has \$4,328.00 in her checking account and \$25,881.00 in her savings account, is not
10 married and has no one that is dependent upon her for financial support. *See id.* at p. 2. While the
11 undersigned recognizes that plaintiff's current monthly income may not be substantial, the
12 money she has in her checking and savings accounts is. Given that there are no other persons
13 who are dependent upon plaintiff for support, it therefore is not unreasonable to expect her to pay
14 the required filing fee.

15 CONCLUSION

16 Because it is reasonable for plaintiff to incur the costs to proceed with this cause of
17 action, the undersigned recommends that the court deny her application to proceed *in forma*
18 *pauperis*. Accordingly, the undersigned also recommends that the court order plaintiff to pay the
19 required filing fee **within thirty (30) days** of the Court's order.

20 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedures ("Fed. R. Civ.
21 P.") 72(b), the parties shall have **fourteen (14) days** from service of this Report and
22 Recommendation to file written objections thereto. *See also* Fed.R.Civ.P. 6. Failure to file
23 objections will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474
24 U.S. 140 (1985). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is

1 directed set this matter for consideration on **March 6, 2015**, as noted in the caption.

2 Dated this 18th day of February, 2015.

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7 Karen L. Strombom
8 United States Magistrate Judge
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